

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: PROCESSED EGG PRODUCTS
ANTITRUST LITIGATION

MDL No. 2002
08-md-02002

THIS DOCUMENT RELATES TO:
ALL ACTIONS

STIPULATION AND ~~PROPOSED~~ ORDER
PURSUANT TO FEDERAL RULE OF EVIDENCE 502(d)

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for United Egg Producers (“UEP”), United States Eggs Marketers (“USEM”), and United Egg Association (“UEA”), and Liaison Counsel for Direct Purchaser Plaintiffs, Indirect Purchaser Plaintiffs, and Direct Action Plaintiffs, subject to the approval of the Court and pursuant to Federal Rule of Evidence 502(d), that:

1. Defendants and third parties in this multi-district litigation (“this Litigation”) are in possession of documents responsive to plaintiffs’ discovery requests that UEP, USEM, and/or UEA believe are protected from disclosure by the attorney-client privilege and/or the work product or other protection of UEP, USEM, or UEA, or of an entity or coalition of which UEP, USEM, or UEA has been a member or participant (collectively “UEP” hereinafter).
2. To save the parties and the Court time and resources that otherwise will be expended logging documents and potentially litigating the availability of the attorney-client privilege or work product or other protection, the parties agree that:

a. The fact of production of a document in this Litigation may not be used by any party to argue waiver in this Litigation of UEP's attorney-client privilege or work product or other protection over any other document, information, or communication; and

b. The fact of production of a document in this Litigation may not be used to argue waiver in any other litigation or proceeding of UEP's attorney-client privilege or work product or other protection over the document produced or any other document, information, or communication.

3. In entering into this Stipulation, UEP does not waive any of its rights under Case Management Order No. 10 (Docket No. 50), including but not limited to Paragraph 8 and its protections regarding inadvertent production of documents, information, or communications subject to a claim of attorney-client privilege or work product or other protection.

4. In entering into this Stipulation, no plaintiff waives its right to challenge for any other reason UEP's assertion of the attorney-client privilege or work product or other protection in this Litigation.

Dated: December 19, 2012

STIPULATED BY:

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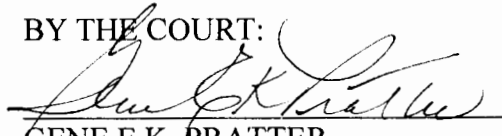
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IT IS SO ORDERED.

Dated: 12/20/12

BY THE COURT:


GENE E.K. PRATTER
United States District Judge